## **DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

the specification of which: (check one)				
(is attached hereto)  X was filed on ()  as Application  and was ame	on Serial No. 09/695,32	_' (if applicable)		
I hereby state that I ha claims, as amended by any amen		contents of the above identified specifi	cation, includ	ing the
I acknowledge the duty with Title 37, Code of Federal I	_	material to the examination of this appl	ication in acco	ordance
patent or inventor's certificate I certificate having a filing date be	•	United States Code, § 119 of any fore ied below any foreign application for hich priority is claimed:	patent or inv	entor's
patent or inventor's certificate I certificate having a filing date be Prior Foreign Application(s)	isted below and have also identif	ied below any foreign application for hich priority is claimed:	<b>–</b>	entor's
patent or inventor's certificate I certificate having a filing date be Prior Foreign Application(s)  11-304683	isted below and have also identife efore that of the application on w	ied below any foreign application for hich priority is claimed:  26/10/1999	patent or inv	entor's
patent or inventor's certificate I certificate having a filing date be experienced by the prior Foreign Application(s)  11-304683  (Number)	isted below and have also identife that of the application on w	ied below any foreign application for hich priority is claimed:  26/10/1999  (Day/Month/Year Filed)	patent or inversely priority claimed X yes	entor's
patent or inventor's certificate I certificate having a filing date be Prior Foreign Application(s)  11-304683	isted below and have also identife efore that of the application on w	ied below any foreign application for hich priority is claimed:  26/10/1999	patent or inv	entor's
patent or inventor's certificate I certificate having a filing date be Prior Foreign Application(s)  11-304683  (Number)  2000-308262	isted below and have also identife efore that of the application on water that of the application of of the appli	ied below any foreign application for hich priority is claimed:  26/10/1999  (Day/Month/Year Filed)  06/10/2000	patent or investigation of the priority claimed with the priority with the priority claimed with the priority with the priority claimed with the priority with	entor's
patent or inventor's certificate I certificate having a filing date be Prior Foreign Application(s)  11-304683 (Number) 2000-308262 (Number)  (Number)  I hereby claim the ben and, insofar as the subject matter in the manner provided by the material information as defined	JAPAN  (Country)  JAPAN  (Country)  (Country)  (Country)  (Country)  (Country)  (Country)	ied below any foreign application for hich priority is claimed:	priority claimed X yes X yes yes the duty to center of the division of the center of t	no no libelow

Power of Attorney: As a named inventor, I hereby appoint Sean M. McGinn, Reg. No. 34, 386, and Frederick W. Gibb, III, Reg. No. 37,629, as attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. All correspondence should be directed to McGinn & Gibb, PLLC, 1701 Clarendon Boulevard, Suite 100, Arlington, Virginia 22209. Telephone calls should be directed to McGinn & Gibb, P.C. at (703) 294-6699.

I hereby declare that all statements made herein of my own knowledge are true arid that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor <u>Hiroaki Tanaka</u>	
Inventor's Signature dinaki Janaka Date Jan. 17, 2001	
Residence_Tokyo. JAPAN	_
Citizenship_Japanese	<del></del>
Post Office Address_c/o NEC Corporation. 7-1. Shiba 5-chome. Minato-ku. Tokyo, JAPAN	
Full Name of Second  Joint Inventor, If Any Hirotaka Yamaguchi	<del></del>
Inventor's Signature <u>Xivotaha yamazuela</u> Date Jan. 17, 2001	
Residence Tokyo, JAPAN	
Citizenship Japanese	· ——
Post Office Address <u>c/o NEC Corporation. 7-1. Shiba 5-chome. Minato-ku. Tokyo. JAPAN</u>	JAPAN  JA
Full Name of Third  Joint Inventor, If Any Wakahiko Kaneko  Date  Tan 17 2001	
Inventor's Signature Date_Jan. 17, 2001	
Residence Tokyo, JAPAN	
Citizenship Japanese	
Post Office Address c/o NEC Corporation. 7-1. Shiba 5-chome. Minato-ku. Tokyo, JAPAN	
	)1
Residence Tokyo, JAPAN	
Citizenship	
Post Office Address c/o NEC Corporation. 7-1. Shiba 5-chome. Minato-ku. Tokyo, JAPAN	
Full Name of Fifth  Joint Inventor, If Any Satoshi Ihida  Date	
$O + D + AO \cdot I$	1
ResidenceTokyo. JAPAN	
Citizenship Japanese	
Post Office Addressc/o NEC Corporation, 7-1. Shiba 5-chome. Minato-ku, Tokyo, JAPAN	_

Joint Inventor, If Any Takasuke Hayase	-Date	
nventor's Signature Takasuke Hay	ase Jan. 17, 2	2001
Residence Tokyo, JAPAN		
Citizenship Japanese		<del></del>
Post Office Addressc/o NEC Corporation, 7-1, Shiba 5-chome	Minato-ku. Tokyo. JAPAN	
Full Name of Seventh  Joint Inventor, If Any Tae Yoshikawa	- Date	
Inventor's Signature Jal Yoshikau		001
Residence Tokyo. JAPAN		
Citizenship Japanese		
Post Office Address c/o NEC Corporation, 7-1. Shiba 5-chome	Minato-ku, Tokyo, JAPAN	
Full Name of Eighth		
Joint Inventor, If Any Hiroshi Kanou	-Date	
Inventor's Signature Tourshi Kant	Date Jan 17, 20	01
Residence_Tokyo. JAPAN	· · · · · · · · · · · · · · · · · · ·	<del></del> .
Citizenship Japanese		
Post Office Address c/o NEC Corporation. 7-1. Shiba 5-chome.	Minato-ku, Tokyo, JAPAN	

## \*Title 37, Code of Federal Regulations, § 1.56:

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith toward the Patent and Trademark Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and (1) it establishes by itself or in combination with other information, a prima facie case of unpatentability; or (2) it refutes, or is inconsistent with, a position the applicant takes in: (i) opposing an argument of unpatentability relied on by the Office, or (ii) asserting an argument of patentability.